

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections present in the outstanding Office Action in light of the foregoing amendments and the following remarks.

Claims 1-41 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 21, and 41 are independent claims; the remaining claims are dependent claims. Claims 1-41 stand rejected and the rejection made final. Applicants received an Advisory Action and Notice of Non-compliant Amendment in response to filing an Amendment After Final on November 26, 2007. In response, Applicants have submitted a Request for Continued Examination and this Amendment.

It should be noted amendments made herein are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution, and that Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Preliminary Matters

Applicants respectfully submit that the remarks made in that Amendment After Final remain equally applicable and are therefore incorporated by reference as if fully set forth herein. Additionally, Applicants have changed the status identifier of claim 20 from “Currently Amended” to “Previously Presented” and updated the claim language accordingly, as required in the Notice of Non-Compliant Amendment attached to the Advisory Action.

Applicants acknowledge the outstanding Office Action asserts the presence of various trademarks in the application. Applicants believe any use of trademarks in the present application respects the proprietary nature of any marks and do not believe any changes thereto are required. In order to expedite prosecution of the application, however, Applicants have amended certain paragraphs of the specification as suggested by the Examiner. These amendments to the specification are identical to those submitted in the Amendment After Final.

The Rejections

Claims 1, 2, 4-8, 11, 16-22, 24-28, 31 and 36-41 stand rejected under 35 USC § 102(b) as being anticipated by Taylor (U.S. Patent No. 5,721,824). Claims 3, 9, 10, 23, 29 and 30 stand rejected under 35 USC § 103(a) as being obvious over Taylor in view of Cockx et al. (U.S. Patent No. 6,952,825). Claims 12-15 and 32-35 stand rejected under 35 USC § 103(a) as obvious over Taylor in view of O'Toole et al. (U.S. Patent No. 6,345,294). Reconsideration and withdrawal of these rejections is respectfully requested.

The Section 102(b) Rejections

Claims 1, 2, 4-8, 11, 16-22, 24-28, 31 and 36-41 stand rejected under 35 USC § 102(b) as being anticipated by Taylor (U.S. Patent No. 5,721,824).

As Applicant previously argued, Taylor clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, it does not disclose ‘determining existing relationship descriptions between components of [a] **distributed** system’. Claim 1 (emphasis added). At best, Taylor covers a minimal and increasingly irrelevant portion of the over-arching problem the inventive system is directed towards. Taylor is limited to considering the dependencies between packages for a single computer system. Moreover, Taylor is limited to the installation of program packages. Still further, Taylor does not have any mention of a change in a distributed system, which is an aspect of the present invention.

In the outstanding Office Action, the Office responded that Taylor clearly discloses determining existing relationship descriptions between components of the distributed system, even though Taylor clearly relates to installing software packages on a single machine. While the machine on which the software is to be installed may be a single system within a distributed system, Taylor does not teach considering the dependencies between installations on a plurality of machines within a distributed system as in the present invention. The Examiner stated in the Advisory Action dated December 21, 2007, that “[t]he claims are not limited to the scope of “a plurality of machines within a distributed system” and that there is “no further clarification of the claim scope of the term ‘components.’” *Advisory Action*, pp. 3.

While the Applicants strenuously disagree with the Examiner's characterization of the previously submitted claim language, solely in an effort to expedite prosecution, Applicants have amended the independent claims to recite, *inter alia*, "wherein the components of the distributed system are implemented on a plurality of managed resources". (Claim 1). The remaining independent claims have been similarly amended. This language is intended to clarify that, in stark contrast to Taylor or any other art, the instantly claimed invention refers to dependencies in a distributed system, i.e. the present invention allows for changes necessitated by simultaneous installations (changes to components) on a plurality of computer systems. See Figs. 1 and 2, and accompanying texts. Thus, in a distributed system, a request for a change can be made more easily by taking into account the dependencies between a plurality of managed resources (i.e. cross-machine dependencies that often occur in implementing changes for hardware, software, network and storage systems in **large-scale** eBusiness environments). *Specification*, page 1, lines 9-10. Taylor, nor any other art of record, simply does not teach this aspect of the present invention. Therefore, Applicants respectfully request reconsideration and withdrawal of these rejections under 35 USC 102.

The Section 103(a) Rejections

Claims 3, 9, 10, 23, 29 and 30 stand rejected under 35 USC § 103(a) as obvious over Taylor in view of Cockx et al. Claims 12-15 and 32-35 stand rejected under 35 USC § 103(a) as obvious over Taylor in view of O'Toole et al. Reconsideration and withdrawal of these rejections are hereby respectfully requested.

Neither Cockx nor O'Toole overcome the deficiencies of Taylor as discussed above. The instantly claimed invention is patentable over any combination of Taylor, Cockx, and/or O'Toole. Applicants also respectfully submit that Taylor, Cockx and O'Toole are not combinable art. Thus, the claimed invention is patentable over the combined references and the state of the art for at least the reasons discussed above (regarding Taylor).

Conclusion

In view of the foregoing, it is respectfully submitted that Independent Claims 1, 21, and 41 are in condition for allowance. By virtue of dependence from what are believed to be allowable Independent Claims 1, 21 and 41, it is respectfully submitted that Claims 2-20 and 22-40 are also presently allowable. Notice to the effect is hereby earnestly solicited. In summary, it is respectfully submitted that the instant application, including Claims 1-41, is presently in condition for allowance.

/

/

/

/

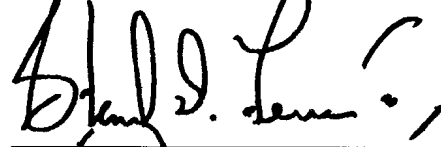
/

/

Request for Telephone Interview

In the event the Examiner does not agree the claims are immediately allowable,
Applicants request the courtesy of a telephone interview before the issuance of a further
action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES LLC
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile
Attorneys for Applicants